IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20872 of 2004

Between:

1 V. Malladri, S/o. Venkaiah,
R/o. Peddapadu Village, Kalgiri Taluk, Chittoor district.
2 D. Ankaiah, S/o. Balaiah,
R/o. Peddapadu Village, Kalgiri Taluk, Chittoor district.
3 A. Potaiah, S/o. Balaiah,
R/o. Peddapadu Village, Kalgiri Taluk, Chittoor district.
4 A. Kataiah, S/o. Peraiah,
R/o. Peddapadu Village, Kalgiri Taluk, Chittoor district.
5 D. Akkamma, S/o. Balaiah,
R/o. Peddapadu Village, Kalgiri Taluk, Chittoor district.
6 N. Thirupal, S/o. Rosaiah,
R/o. Peddapadu Village, Kalgiri Taluk, Chittoor district.
7 K. Subaiah, S/o. Kowraiah,
R/o. Peddapadu Village, Kalgiri Taluk, Chittoor district.
8 T. Kondaiah, S/o. Vibaiah,
R/o. Peddapadu Village, Kalgiri Taluk, Chittoor district.
9 Shek Kalesha S/o. Ali,
R/o. Peddapadu Village, Kalgiri Taluk, Chittoor district.

..... PETITIONERS

AND

1 The District Collector, Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Kalgiri Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus Declare the action of the 2nd Respondent in seeking to interfere with our possession and enjoyment of the lands situated in Sy.No. 330/4 extent 1.00 bearing patta No. 1368, Sy.No. 320/3, extent 1.00 bearing patta No.1321, Sy.No. 320/3, extent 1.09 bearing patta No. 1322, Sy.No. 320/4 extent 1.00 bearing patta No. 1323, Sy.No. 320/4, extent 1.06 cents bearing patta No. 1323, sy.No. 320/9 extent 1.06 bearing patta No. 1328, Sy.No. 321/6 extent 1.01 bearing Patta No. 1335, Sy.No. 322/4 extent 0.94 bearing patta No. 1343, Sy.No. 327/6, extent 1.04 bearing patta No. 1354, respectively belonging to us is illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently direct the Respondents not to interfere with the possession and enjoyment of the lands assigned to the petitioners without authority or sanction of law.

Counsel for the Petitioners:MR.N.PRAMOD

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

This writ petition is filed on the apprehension that the respondents will not follow the procedure for cancellation of the assignment made in favour of the petitioners in respect of different extents of lands in various survey numbers of Peddapadu Vilage of Kalgiri Taluk, Chittoor District, if they want to assign the same to third parties.

It is needless to say that once assignment is made in favour of the petitioners in respect of the lands in question and as long as the pattas granted in their favour are intact and have not been cancelled, they cannot be dispossessed from the land in question. If at all the said land is required to be assigned to any third parties, without following the due procedure, the respondents cannot evict the petitioners from the said land.

With the above observation, the writ petition is disposed of. No costs.

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A. GOPAL REDDY. J.

11th November, 2004

tsr.

To

1 The District Collector, Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Kalgiri Mandal, Nellore District.

4. Two C.C.s to Government Pleader for Revenue, High Court Buildings, Hyderabad.(OUT)

5. Two C.D. copies.